

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADJUSTACAM LLC,

Plaintiff,

vs.

AMAZON.COM, INC., ET AL.

Defendants.

Case No. 6:10-CV-329-LED

JURY TRIAL DEMANDED

**DEFENDANT NEWEGG INC.'S AND DEFENDANT NEWEGG.COM
INC.'S NOTICE OF JOINDER IN DEFENDANT DELL INC.'S
CORRECTED MOTION TO DISMISS PLAINTIFF'S ALLEGATIONS OF
INDIRECT INFRINGEMENT AND WILLFUL INFRINGEMENT FOR
FAILURE TO STATE A CLAIM**

Defendants Newegg Inc. and Newegg.com Inc. (collectively, "Newegg") hereby join Defendant Dell Inc.'s Corrected Motion to Dismiss Plaintiff's Allegations of Indirect Infringement and Willful Infringement for Failure to State a Claim (Document 164), pursuant to Fed.R.Civ.P. 12(b)(6), and the arguments and authorities found therein.¹

AdjustaCam LLC's ("AdjustaCam") allegations of indirect infringement against Newegg are the same as those it has asserted against Dell Inc. ("Dell"), and are deficient for the reasons set forth in Dell's Motion to Dismiss. (Compare First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 92 (Dell), 148 (Newegg).) In addition, AdjustaCam's allegations of willfulness against Newegg are the same as those it has asserted against Dell, and are deficient for the reasons set forth in Dell's Motion to Dismiss. (See First Amended Complaint for Patent Infringement, Document 111, at ¶¶ 224-25.)

¹ Newegg is concurrently filing its Answer to AdjustaCam's First Amended Complaint for Patent Infringement.

Because AdjustaCam has not adequately pled the elements of inducing or contributory infringement, its indirect infringement claims against Newegg should be dismissed. In addition, because AdjustaCam has not pled any facts in support of its willfulness allegation, the willfulness allegation against Newegg should be dismissed.

September 9th, 2010

Respectfully submitted,

By: /s/Justin N. Stewart

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ATTORNEYS FOR DEFENDANTS
NEWEGG INC. and NEWEGG.COM INC.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served this 9th day of September, 2010, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/Justin N. Stewart
Justin N. Stewart